

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CHAZ MINOR,	:	Case No. 1:08-cv-583
	:	
Petitioner,	:	Judge Timothy S. Black
	:	Magistrate Judge Michael Merz
vs.	:	
	:	
WARDEN, LEBANON CORRECTIONAL :	:	
INSTITUTION,	:	
	:	
Respondent.	:	

**DECISION AND ENTRY ADOPTING THE REPORTS AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Docs. 45, 48)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael Merz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on March 27, 2014, submitted a Report and Recommendations. (Doc. 45) . Subsequently, pursuant to Order, the Magistrate Judge filed a Supplemental Report and Recommendations (Doc. 48) addressing Petitioner's Objections (Doc. 46).

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 45, 48) is **ADOPTED**;
2. Petitioner's petition for a writ of habeas corpus (Doc. 2) is **DISMISSED** with prejudice as barred by the statute of limitations and Petitioner's procedural default.
3. Because reasonable jurists could disagree on the persuasiveness of the Hicks affidavit, Petitioner is **GRANTED** a certificate of appealability under 28 U.S.C. § 2253 as to his actual innocence claim. As reasonable jurists would not disagree that the balance of Petitioner's claims should be dismissed, such certificate is **DENIED** as to such claims.
4. An application to proceed on appeal *in forma pauperis* under 28 U.S.C. Section 1915(a)(3) is **DENIED**.
5. The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** in this Court.

IT IS SO ORDERED.

Date: 1/20/15

s/ Timothy S. Black
Timothy S. Black
United States District Judge